

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

By this Amendment, claims 1, 10, 18, and 20 are amended, and claims 4 and 13 are canceled without prejudice or disclaimer. Accordingly, claims 1-3, 5-6, 10-12, 18, and 20-22 are pending in this application.

Claims 1-6, 10-13, 18, and 20-22 stand rejected under 35 U.S.C. §103(a) over Fong (US 20050249169) in view of Bushey (US 20030217186). As presented below, amended and unamended claims are believed patentable over the applied art for the failure of the applied art to disclose, teach or suggest all of Applicant's recited claim features. The cancellation of claims 4 and 13, as presented above, renders the rejection of these claims moot.

As amended. independent claim 1, recites, a method for controlling a home network, comprising "sequential steps of determining whether a new control menu exists on server remote from the home network by accessing the remote server via the Internet ...," and "if the new control menu exists, performing a first download of the new control menu from the Internet...." (Emphasis added). On page 12 of the Office Action, the Examiner alleges that Fong, at paragraphs [0067-0069] and [0033], teaches this feature. Applicant respectfully disagrees.

At paragraph [0069] Fong describes the flow chart of Fig. 10 and appears to only disclose wherein a menu request message requesting electronic devices on the wireless LAN to identify themselves and provide a location for the control menu of the respective device. Nowhere does Fong suggest determining whether a new control menu exists on a server remote from the home network, as recited in claim 1.

The Examiner further posits that Fong, at page 6, paragraphs [0065-0066] and fig. 4, discloses accessing a remote server via the internet to download a newly determined control menu. Applicant respectfully disagrees and submits that the steps disclosed in paragraphs [0065-0066] appear to only relate to sharing of resources of the

main server (see paragraph [0060]). Still further, at paragraph [0064] Fong discloses that after a file desired by a user is printed, the user “may want to access the Internet 120 for communicating with remote web servers,” (emphasis added). Nowhere does Fong suggest connecting to the Internet to determine whether a new control menu exists on a server remote from the home network, let alone downloading the determined new control menu, as recited in claim 1.

The Examiner alleges that Fong, at paragraph [0033], discloses a first downloading of a new control menu. The Examiner further argues in page 12 of the Office Action that Fong discloses the recited determination and download because Fong discloses file transfers. Applicant respectfully disagrees. Notwithstanding the disclosure of allowing file transfers, Applicant respectfully submits that there is a significant leap of invention between providing a simple file transfer, and the claimed method of determining whether a new control menu exists and the subsequent downloading of that menu. The person of ordinary skill in the art “thinks along the lines of conventional wisdom in the art and is not one who undertakes to innovate *Standard Oil Co. v American Cyanamid Co.*, 227 USPQ2d 293, 298 (Fed. Cir. 1985). The Examiner’s proposed structure/modification appears to introduce more innovation than is permitted.

Notwithstanding the argument presented above, Applicant amends claim 1 to further distinguish the recited method from the alleged combination of Fong and Bushey. More specifically, claim 1 is amended to recite “wherein performing a second download of one or more corresponding control programs further comprises selecting a new item corresponding to a new control program from the added new control menu to initiate the second download.” Although the Examiner appears to rely upon Bushey to disclose performing a second download of one or more corresponding new control programs from the Internet, Bushey fails to remedy the deficiency of Fong with regards to the first download of a new control menu, let alone downloading a new control program corresponding to a new control program based upon the first download.

Applicant respectfully submits, therefore, that claim 1 is patentable at least due to the failure of Fong in view of Bushey to disclose, teach or motivate at least the first

download of a new control menu and the second download of a control program, as recited in claim 1.

Independent claim 10 is similar to claim 1 in that it recites a method that includes “determining whether one or more new control menus exist on an Internet connected server remote by the home network accessing the Internet according to a set period.” As submitted *supra*, the alleged combination of references fails to disclose this feature.

Furthermore, claim 10 is amend to recite “wherein the downloaded new program is stored on a piece of equipment other than the corresponding piece of equipment.” Notwithstanding any disclosure of Bushey regarding downloading a new control program, Bushey relates to peer networked appliances and nowhere discloses downloading a new control program to any piece of equipment other than the piece of equipment associated with the downloaded program.

Amended independent claims 18 and 20 are apparatus claims based upon the methods of claims 1 and 10 that include determining a new control menu and performing a first and second download. Amended claims 18 and 20 are likewise patentable over the applied combination of references for the reasons presented above pertaining to claims 1 and 10. Furthermore, claim 20 is amended to recite: “first means for determining whether one or more new control menus exist on an Internet connected remote server by accessing the Internet according to a set period and comparing a control menu on the remote server with an existing control menu list,” (emphasis added). The alleged combination of references fails to disclose, teach, or suggest these elements.

Claims 2-3, 5-6, 11-12, and 21-22 depend variously from independent claims 1, 10, 18, and 20, and are likewise patentable over the asserted combination of references for at least their dependence on an allowable base claim, as well as for the additional features they recite. Accordingly, withdrawal of the rejections over Fong and Bushey is respectfully requested.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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